



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/650,362	08/29/2000	Julie J. Bennett	42390P9622	8226

7590 03/26/2003
Blakely Sokoloff Taylor & Zafman LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025

EXAMINER

WONG, LESLIE

ART UNIT	PAPER NUMBER
----------	--------------

2177

DATE MAILED: 03/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/650,362

Applicant(s)

BENNETT ET AL.

Examiner

Leslie Wong

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Geller et al.** (U.S. Patent 6,236,990) in view of **Ballard** (U.S. Patent 5,987,457).

Regarding claims 1, 12, and 23, **Geller et al.** teaches a method and an apparatus comprising:

- a). creating a plurality of categories, each category identifying an attribute (col. 2, lines 20-23);
- b). associating products having at least one attribute with at least one category (col. 3, lines 37-44 and 51-55); and
- c). upon selection of a main product, displaying of at least one other related product having at least one attribute in common with the main product (col. 4, lines 23-35).

Geller et al. does not teach a step wherein the user in communication with the visual browser via the computer network causing the display of product.

Ballard, however, teaches a step wherein the user in communication with the visual browser via the computer network causing the display of product (i.e., document) (Fig. 1, element 22 and Fig. 4).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to include the feature of communicating with other computers via the computer network such as local area network, wide area network (i.e., Internet) (col. 5, lines 9-13) as taught by **Ballard** as doing so would promote information sharing with other computers and data sources.

- e). **Ballard** further teaches a step wherein a processor and a memory coupled thereto, the memory storing a visual browser (Fig. 3, 18 and 20);

Art Unit: 2177

f). **Ballard** further teaches a step wherein a network interface to couple to a computer network (Fig. 1, element 22);

g). **Ballard** further teaches a step wherein the visual browser (Fig. 3, element 12).

Regarding claims 2 and 13, **Geller et al.** further teaches a step wherein a user selects the main product (col. 4, lines 23-35 and abstract).

Regarding claims 3, 14, and 25, **Geller et al.** further teaches a step comprising, displaying at least one other product that is not related by a category to the main product (col. 4, lines 60-66).

Regarding claims 4, 15, and 26, **Geller et al.** further teaches a step comprising, assigning a weight bias to each category based upon a predefined importance of the respective category (col. 3 line 64 – col. 4, line 3).

Regarding claims 5, 16, and 27, **Geller et al.** further teaches a step comprising:

a). determining "like" categories for the main product, a "like" category being a category that the main product is associated with (col. 3 line 64 – col. 4, line 3; col. 7, line 63 – col. 8, line 4);

b). selecting one of the "like" categories (col. 6, lines 25-33 and abstract); and

Art Unit: 2177

c). randomly selecting the at least one other related product from the selected "like" category (col. 4, lines 60-66).

Regarding claims 6, 17, and 28, **Geller et al.** further teaches a step wherein selecting one of the "like" categories includes utilizing the weight biases for the categories in a randomly based selection algorithm to select one of the "like" categories (col. 3 line 64 – col. 4, line 3; col. 7, line 63 – col. 8, line 4).

Regarding claims 7, 18, and 29, **Geller et al.** further teaches a step comprising:

- a). determining "dislike" categories for the main product, a "dislike" category being a category that the main product is not associated with (col. 6, lines 11-15);
- b). selecting one of the "dislike" categories utilizing the weight biases for the categories in a randomly based selection algorithm (col. 5, lines 14-18); and
- c). randomly selecting at least one other product from the selected "dislike" category (col. 6, lines 15-19).

Regarding claims 8, 19, and 30, **Geller et al.** further teaches a step comprising:

- a). selecting a category from the plurality of categories utilizing the weight biases of the categories in a randomly based selection algorithm (col. 4, lines 23-27 and col. 5, lines 40-47); and
- b). randomly selecting a product from the selected category (col. 6, lines 15-19).

Art Unit: 2177

Regarding claims 9, 20, and 31, **Geller et al.** further teaches a step comprising:

- a). scoring each product based upon weight biases of "like" categories and "dislike" categories, a "like" category being a category that the main product is associated with, a "dislike" category being a category that the main product is not associated with, a weight bias being a predefined value assigned to each respective category to denote the respective category's importance (col. 3, line 64 – col. 4, line 3);
- b). creating a "like" score table, the "like" score table including a "like" score for each of the products indicating the relatedness of the product to the main product (col. 5, lines 7-13); and
- c). randomly selecting the at least one other related product from the "like" score table using the "like" scores as a weight bias (col. 5, line 64 – col. 6, line 10).

Regarding claims 10, 21, and 32, **Geller et al.** further teaches a step comprising:

- a). creating a "dislike" score table, the "dislike" score table including a "dislike" score for each product indicating the unrelatedness of the product to the main product, the "dislike" score table being the transposition of the "like score table" (col. 5, lines 7-13); and
- b). randomly selecting at least one other product from the "dislike" score table using the "dislike" scores as a weight bias (col. 5, lines 7-13).

Art Unit: 2177

Regarding claims 11, 22, and 33, **Geller et al.** further teaches a step of selecting at least one other product at random from one of the plurality of categories (col. 2, lines 30-32).

Regarding claim 24, **Ballard** further teaches a step wherein the computer network is the Internet (col. 9-13).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chakrabarti et al. (U.S. Patent 6,356,899 B1)

Neal et al. (U.S. Patent 6,324,534 B1)

Johnson et al. (U.S. Patent 6,055,516)

Hoppe et al. (U.S. Patent 5,515,488)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie Wong whose telephone number is (703) 305-3018. The examiner can normally be reached on Monday to Friday 9:30am - 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (703) 305-9790. The fax phone numbers

Application/Control Number: 09/650,362

Page 8

Art Unit: 2177

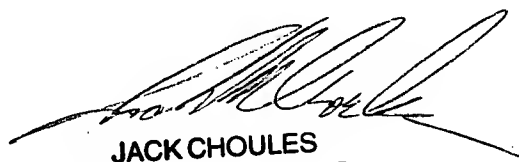
for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



Leslie Wong
Patent Examiner
Art Unit 2177

lw
March 23, 2003



JACK CHOULES
PRIMARY EXAMINER